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Paper No.

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Rm. 308, Bld. 52, No. 195,
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Chung Hsin Rd.
Juhdong 310
TAIWAN

MAILED

MAR 16 2009

OFFICE OF PETITIONS

In re Application of :
Chih-Ta Sung and :
Yen-Chieh Ouyang : ON PETITION
Application No. 10/626,917 :
Filed: July 25, 2003 :
Title: MOTION ESTIMATION :
METHOD AND APPARATUS FOR VIDEO:
DATA COMPRESSION :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed January 21, 2009 and filed again on January 23, 2009 and again on February 9, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the Issue Fee and Publication Fee within three months of the mailing date, September 25, 2007, of the Notice of Allowance and Fee(s) Due. This Office action set a three-month nonextendable statutory period for reply. The issue fee and publication fee were received in the Office on Thursday, December 27, 2007. Unfortunately, this was outside of the period for reply. Accordingly, the application became abandoned. A courtesy Notice of Abandonment was mailed on May 13, 2008.

For a grantable petition under 37 CFR 1.137(b), applicants must submit the required reply¹ in the form of payment of the Issue

¹ There was no distinct but concurrent requirement for corrected drawings.

Fee and Publication Fee; payment of the petition fee set forth in 37 CFR § 1.17(m); and a statement of unintentional delay. In this case, no terminal disclaimer is required.

On initial petition applicants paid the petition fee and included the required statement of unintentional delay. The petition was dismissed because it was only signed by co-inventor Sung and did not include proof that inventor Sung had the authority to prosecute this application without inventor Ouyang.

On request for reconsideration, applicants submitted a statement under 37 CFR 3.73(b). This statement noted where the assignment was recorded in the Office and stated that inventor Sung was authorized to sign on behalf of the assignee. It is noted that applicants also resubmitted the petition fee. This fee could not be processed. However, this is not relevant. The petition fee of \$770 was paid on June 19, 2008. There was no need to submit another petition fee on request for reconsideration.

It is unclear whether any payments beyond \$770 were charged in association with this petition, given the issues with the credit card deficiencies. If any overpayments were actually charged to the credit card then applicant should file a request for refund.

It is concluded that all requirements of 37 CFR 1.137(b) have been met.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions